



February 23, 2016

ENGROSSED SENATE BILL No. 380

DIGEST OF SB 380 (Updated February 23, 2016 12:10 pm - DI 87)

Citations Affected: IC 36-7.

Synopsis: Redevelopment commissions. Allows members of the following boards and commissions to vote at electronic meetings: (1) A redevelopment commission (in the case of Marion County, the metropolitan development commission acting as the redevelopment commission). (2) A board of directors of a redevelopment authority (in the case of Marion County, the board of directors of the county convention and recreational facilities authority). (3) A military base reuse authority. Requires the redevelopment commission or military base reuse authority to adopt policies governing member participation in electronic meetings of both the commission or authority and the redevelopment authority board of directors. Provides that a nonvoting adviser appointed to a redevelopment commission may be an individual recommended by the school board to the appointing authority (instead of a member of the school board).

Effective: July 1, 2016.

Mishler, Charbonneau, Broden

(HOUSE SPONSOR — DEVON)

January 11, 2016, read first time and referred to Committee on Local Government.

January 21, 2016, reported favorably — Do Pass.

January 25, 2016, read second time, ordered engrossed. Engrossed.

February 1, 2016, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 9, 2016, read first time and referred to Committee on Government and Regulatory Reform.

February 23, 2016, amended, reported — Do Pass.

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February 23, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 380

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-7-14-3.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]: **Sec. 3.1. The commission may conduct meetings**
4 **electronically as provided in IC 36-7-14.5-9.5.**
5 SECTION 2. IC 36-7-14-6.1, AS AMENDED BY P.L.146-2008,
6 SECTION 723, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2016]: Sec. 6.1. (a) The five (5) commissioners
8 for a municipal redevelopment commission shall be appointed as
9 follows:
10 (1) Three (3) shall be appointed by the municipal executive.
11 (2) Two (2) shall be appointed by the municipal legislative body.
12 The municipal executive shall also appoint an individual to serve as a
13 nonvoting adviser to the redevelopment commission beginning July 1,
14 2008.
15 (b) The commissioners for a county redevelopment commission that
16 has five (5) members shall be appointed as follows:
17 (1) The county executive shall appoint all the members whose

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terms of office begin before January 1, 2008.

(2) For terms of office beginning after December 31, 2007, the county executive shall appoint three (3) members, and the county fiscal body shall appoint two (2) members.

The county executive shall also appoint an individual to serve as a nonvoting adviser to the redevelopment commission beginning July 1, 2008.

(c) The commissioners for a county redevelopment commission that has seven (7) members shall be appointed as follows:

(1) The county executive shall appoint all the members whose terms of office begin before January 1, 2008.

(2) For terms of office beginning after December 31, 2007, the county executive shall appoint four (4) members, and the county fiscal body shall appoint three (3) members.

The county executive shall also appoint an individual to serve as a nonvoting adviser to the redevelopment commission beginning July 1, 2008.

(d) A nonvoting adviser appointed under this section:

(1) must also be a member of the school board of a school corporation that includes all or part of the territory served by the redevelopment commission **or an individual recommended by the school board to the entity that appoints the nonvoting adviser;**

(2) is not considered a member of the redevelopment commission for purposes of this chapter but is entitled to attend and participate in the proceedings of all meetings of the redevelopment commission;

(3) is not entitled to a salary, per diem, or reimbursement of expenses;

(4) serves for a term of two (2) years and until a successor is appointed; and

(5) serves at the pleasure of the entity that appointed the nonvoting adviser.

SECTION 3. IC 36-7-14.5-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 9.5. (a) This section applies to meetings under IC 5-14-1.5 of members of:**

(1) the commission; or

(2) the board.

(b) The definitions in IC 5-14-1.5 apply to this section.

(c) A member may participate in a meeting by an electronic means that allows:



(1) all participating members; and

(2) all members of the public who are physically present at the meeting;

to simultaneously communicate with each other. The member shall be considered present for purposes of establishing a quorum and may participate in any final action taken at the meeting.

(d) Both of the following apply to a meeting under this section:

(1) At least one-third (1/3) of the members must be physically present at the place where the meeting is conducted.

(2) All votes during the meeting must be taken by roll call vote.

This section does not affect the public's right to attend a meeting at the place where the meeting is conducted and the minimum number of members is physically present.

(e) Each member of the commission is required to physically attend at least one (1) meeting of the commission annually. Each member of the board is required to physically attend at least one (1) meeting of the board annually.

(f) The commission may adopt a policy to govern participation in the meetings of the commission or the board by electronic communication. The policy may do any of the following:

(1) Require a member to request authorization to participate in a meeting by electronic communication within a certain number of days before the meeting to allow for arrangements to be made for the member's participation by electronic communication.

(2) Limit the number of meetings in a calendar year in which any one (1) member may participate by electronic communication.

(3) Provide that a member who participates in a meeting by electronic communication may not cast the deciding vote on any official action. For purposes of this chapter, a member casts the deciding vote on an official action if, regardless of the order in which the votes are cast:

(A) the member votes with the majority; and

(B) the official action is adopted or defeated by one (1) vote.

(4) Require a member participating in a meeting by electronic communication to confirm in writing the votes cast by the member during the meeting within a certain number of days after the date of the meeting.

(5) Provide that in addition to the location where a meeting is



conducted, the public may also attend some or all meetings, excluding executive sessions, at a public place or public places at which a member is physically present and participates by electronic communication. If the commission's policy includes this provision, a meeting notice must provide the following information:

(A) The identity of each member who will be physically present at a public place and participate in the meeting by electronic communication.

(B) The address and telephone number of each public place where a member will be physically present and participate by electronic communication.

(C) Unless the meeting is an executive session, a statement that a location described in clause (B) will be open and accessible to the public.

(6) Establish any other procedures, limitations, or conditions that govern participation in meetings of the commission by electronic communication and are not in conflict with this chapter.

(g) This section does not affect the right of the commission or board to exclude the public from an executive session in which a member participates by electronic communication.

SECTION 4. IC 36-7-15.3-8.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8.6. (a) This section applies to meetings under IC 5-14-1.5 of members of:

(1) the commission; or

(2) the board.

(b) The definitions in IC 5-14-1.5 apply to this section.

(c) A member may participate in a meeting by an electronic means that allows:

(1) all participating members; and

(2) all members of the public who are physically present at the meeting;

to simultaneously communicate with each other. The member shall be considered present for purposes of establishing a quorum and may participate in any final action taken at the meeting.

(d) Both of the following apply to a meeting under this section:

(1) At least one-third (1/3) of the members must be physically present at the place where the meeting is conducted.

(2) All votes during the meeting must be taken by roll call vote.



1 This section does not affect the public's right to attend a meeting
2 at the place where the meeting is conducted and the minimum
3 number of members is physically present.

4 (e) Each member of the commission is required to physically
5 attend at least one (1) meeting of the commission annually. Each
6 member of the board is required to physically attend at least one
7 (1) meeting of the board annually.

8 (f) The commission may adopt a policy to govern participation
9 in the meetings of the commission or the board by electronic
10 communication. The policy may do any of the following:

11 (1) Require a member to request authorization to participate
12 in a meeting by electronic communication within a certain
13 number of days before the meeting to allow for arrangements
14 to be made for the member's participation by electronic
15 communication.

16 (2) Limit the number of meetings in a calendar year in which
17 any one (1) member may participate by electronic
18 communication.

19 (3) Provide that a member who participates in a meeting by
20 electronic communication may not cast the deciding vote on
21 any official action. For purposes of this chapter, a member
22 casts the deciding vote on an official action if, regardless of
23 the order in which the votes are cast:

24 (A) the member votes with the majority; and

25 (B) the official action is adopted or defeated by one (1)
26 vote.

27 (4) Require a member participating in a meeting by electronic
28 communication to confirm in writing the votes cast by the
29 member during the meeting within a certain number of days
30 after the date of the meeting.

31 (5) Provide that in addition to the location where a meeting is
32 conducted, the public may also attend some or all meetings,
33 excluding executive sessions, at a public place or public places
34 at which a member is physically present and participates by
35 electronic communication. If the commission's policy includes
36 this provision, a meeting notice must provide the following
37 information:

38 (A) The identity of each member who will be physically
39 present at a public place and participate in the meeting by
40 electronic communication.

41 (B) The address and telephone number of each public place
42 where a member will be physically present and participate



- 1 by electronic communication.
2 (C) Unless the meeting is an executive session, a statement
3 that a location described in clause (B) will be open and
4 accessible to the public.
5 (6) Establish any other procedures, limitations, or conditions
6 that govern participation in meetings of the commission by
7 electronic communication and are not in conflict with this
8 chapter.
9 (g) This section does not affect the right of the commission or
10 board to exclude the public from an executive session in which a
11 member participates by electronic communication.
12 SECTION 5. IC 36-7-30-6.5 IS ADDED TO THE INDIANA CODE
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2016]: **Sec. 6.5. The board may conduct meetings electronically**
15 **as provided in IC 36-7-14.5-9.5.**



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 380, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 380 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 9, Nays 0

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 380, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 36-7-14-6.1, AS AMENDED BY P.L.146-2008, SECTION 723, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6.1. (a) The five (5) commissioners for a municipal redevelopment commission shall be appointed as follows:

(1) Three (3) shall be appointed by the municipal executive.

(2) Two (2) shall be appointed by the municipal legislative body.

The municipal executive shall also appoint an individual to serve as a nonvoting adviser to the redevelopment commission beginning July 1, 2008.

(b) The commissioners for a county redevelopment commission that has five (5) members shall be appointed as follows:

(1) The county executive shall appoint all the members whose terms of office begin before January 1, 2008.

(2) For terms of office beginning after December 31, 2007, the county executive shall appoint three (3) members, and the county fiscal body shall appoint two (2) members.

The county executive shall also appoint an individual to serve as a nonvoting adviser to the redevelopment commission beginning July 1, 2008.

(c) The commissioners for a county redevelopment commission that has seven (7) members shall be appointed as follows:

(1) The county executive shall appoint all the members whose

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terms of office begin before January 1, 2008.

(2) For terms of office beginning after December 31, 2007, the county executive shall appoint four (4) members, and the county fiscal body shall appoint three (3) members.

The county executive shall also appoint an individual to serve as a nonvoting adviser to the redevelopment commission beginning July 1, 2008.

(d) A nonvoting adviser appointed under this section:

(1) must also be a member of the school board of a school corporation that includes all or part of the territory served by the redevelopment commission **or an individual recommended by the school board to the entity that appoints the nonvoting adviser;**

(2) is not considered a member of the redevelopment commission for purposes of this chapter but is entitled to attend and participate in the proceedings of all meetings of the redevelopment commission;

(3) is not entitled to a salary, per diem, or reimbursement of expenses;

(4) serves for a term of two (2) years and until a successor is appointed; and

(5) serves at the pleasure of the entity that appointed the nonvoting adviser."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 380 as printed January 22, 2016.)

MAHAN

Committee Vote: yeas 8, nays 3.

